

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

GORDON FRANKLIN, JR.,)	
)	
Petitioner,)	
)	
vs.)	No. 06-3438-CV-S-RED-H
)	
JOSEPH E. GUNJA, Warden,)	
United States Medical Center for)	
Federal Prisoners,)	
)	
Respondent.)	

**REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

Petitioner, an inmate confined at the United States Medical Center for Federal Prisoners, has petitioned this Court for a writ of habeas corpus. The petition has been referred to the undersigned for preliminary review under 28 U.S.C. § 636(b). Because petitioner is entitled to no relief, it will be recommended that leave to proceed in forma pauperis be denied.

As grounds for relief in habeas corpus, the petitioner asserts that he has been imprisoned past the expiration of his criminal sentence and his constitutional rights are thereby violated. Petitioner has raised very similar issues in *Franklin v. United States*, 02-3222. Those issues were decided against petitioner and the Judgment of the District court was affirmed by the United States Court of Appeals for the Eighth Circuit (Doc. 20 in 02-3222).

Petitioner was committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4246 (*United States v. Franklin*, Case No. 90-3445). He has twice been conditionally released from that commitment. Both releases were revoked because petitioner violated conditions. Annual

reports have been submitted regarding the appropriateness of continued mental health treatment, as required by 18 U.S.C. §4246(e)(B). Petitioner's commitment is lawful.

Counsel for the petitioner has filed a Motion to Withdraw. Because there are no issues presented for which relief is appropriate, the motion is granted. ¹

For the foregoing reasons, it is, pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri,

RECOMMENDED that petitioner be denied leave to proceed in forma pauperis, and that the petition herein for writ of habeas corpus be dismissed without prejudice.

/s/ James C. England
JAMES C. ENGLAND, CHIEF
UNITED STATES MAGISTRATE JUDGE

Date: February 7, 2007

¹ Petitioner has 10 days to file exceptions to the Report and Recommendation of the United States Magistrate Judge.